**IN THE HIGH COURT OF UTTARANCHAL**
**AT NAINITAL**
**Writ Petition No. 794 of 2005 (S/S)**

K.N. Uniyal S/o Sri Pitambar Dutt
At present working as Tailoring Instructor
Gorkha Resettlement Training Unit
P.O. Raiwala, District, Dehradun …….Petitioner.

Versus

1. Union of India
through Secretary, Ministry of Defence,
New Delhi

2. Commandant,
Gorkha Resettlement Training Unit
P.O. Raiwala
District – Dehradun

3. Administrative Officer,
Gorkha Resettlement Training Unit
P.O. Raiwala
District – Dehradun ……Respondents

Sri M.C. Pant, learned counsel for the petitioner.
Sri Ashok Aggarwal, learned Counsel for the respondents.

**Hon'ble B.C. Kandpal, J.**

By way of this Writ Petition, a direction has been sought in nature of certiorari quashing the order dated 10.01.2005 (Annexure-1 to this writ petition)

Brief facts giving rise to this writ petition are that the petitioner was initially appointed as Civilian Instructor (Tailoring) against the substantive and permanent vacancy vide appointment letter dated 31.01.1988. The petitioner was confirmed on the said post on 31.12.1995. In the year 2000, the name of the petitioner was recommended for granting benefit under assured career progression scheme for promotional pay scale. On 05.10.2004, the respondents invited options for posting and willingness for parallel assignment on account of revision of P.E. of the

establishment. The petitioner submitted his option and clearly mentioned that he is willing to exercise his option if would be adjusted on the equivalent post of Welding Instructor as he is having full experience of Welding Instructor.

It is averred in the writ petition that the respondents have not paid any heed on the condition stipulated in the option filed by the petitioner and passed the impugned order which has been annexed as annexue-1 to this writ petition. It has also been averred that the other employees whose names were shown in the impugned order have been adjusted on the equivalent post while the petitioner is singled out for giving adjustment on the equivalent post. Hence, the action of the respondents is discriminatory and arbitrary.

Hared learned counsel for the parties and perused the record.

In case, if it is considered that the petitioner has filed his option with certain conditions and the other persons shown in the list (annexure-1) have been adjusted/accommodated on the equivalent post, then the case of the petitioner should also be considered in a positive manner by the respondents.

The writ petition is finally disposed of. The petitioner shall file the representation before the respondents within 15 days alongwith the certified copy of the judgment passed by this court and the respondents shall consider the representation thereafter within a period of 30 days by passing speaking and reasoned order.

**(B.C. Kandpal, J.)**

22nd June, 2005
Shiv